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## What justice and for whom? A political ecology of voice study into ‘senses of justice’ in Peru’s Loreto Region

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### **Abstract**

This article explores community-based organisation (CBO) and non-governmental organisation (NGO) ‘senses of justice’ and their interaction with community procedural environmental justice claims. The research was centred on a study of Peru’s Loreto Region and the pollution impacts from oil extraction. This was conducted through the political ecology of voice (PEV) theoretical framework which can act as a bridge between the fields of environmental justice and political ecology. Semi-structured interviews were conducted with eight relevant NGO and four CBO organisations operating in Loreto, alongside testimony from other stakeholders. Results show that sense of justice synergies can occur between non-state actors and local communities, achieved through inclusive participatory mechanisms and equitable partnerships. This synergy enables local struggles to be made visible to the wider world as well as heard, evidenced through the grievances being addressed by the state and resource extraction industries. Nevertheless, how transformative these partnerships are is variable, with procedural legal justice offering the most beneficial way for CBOs and NGOs to support local justice struggles. Moreover, to be truly a transformative process, there is a need for these legal justice partnerships to challenge the deeper structural injustice of misrecognition so that human rights, alternative livelihoods, and developmental futures are recognised and safeguarded.

**Key words:** civil society; environmental justice; extractivism; NGO; political ecology

### The struggle for justice

Injustice is a multi-faceted and deeply entrenched global issue. It is evident in political (Beckett and Sasson, 2004), economic (Sobhan, 2010), social (Levy and Sidel, 2013), and environmental (Drake, 2018) contexts which often overlap, interconnect and exacerbate each other. How the global community successfully mitigates injustice and upholds and strengthens the rule of law and human rights, remain ongoing challenges. A particularly pressing concern is the climate crisis, which is irrevocably accelerating injustice in different areas including food, water and energy security (Dodds et al., 2009; Hanjra and Qureshi, 2010) and development in areas such as urbanisation (Khosla and Bhardwaj, 2019). This is particularly pressing in the Global South (Page, 2008). Governance at different spatial scales (Lawhon and Patel, 2013), incorporating actors such as the state, international financial institutions and non-state actors

like non-governmental organisations (NGOs), have significant input into facilitating solutions to the climate crisis, though not without problems (Dunlap and Sullivan, 2019; Natarajan et al., 2019).

To fully understand environmental injustice, one must focus on its underlying causes which relates to questions of power (Sébastien et al., 2018), the challenges of land or resource ownership (Carruthers, 2008; Wolford et al., 2013) and the absence of equitable values within the global economic system (Wolford, 2008; Bell, 2011; Pulido and De Lara, 2018). However, one must also consider how procedural justice operates through different actors and the ways in which these processes and mechanisms interact with and shape local societal injustice grievances. Through a case-study of Peru's Loreto Region, this paper explores community-based organisation (CBO) and NGO 'senses of justice' and their interaction with local community procedural environmental justice claims. Cuninico, an indigenous village in this region provides a detailed example of this non-state actor and community procedural justice interaction.

Peru's Loreto Region has been chosen as the focus of the investigation for several reasons. High levels of injustice caused by the oil industry (Orta Martínez et al., 2007) remain an ongoing issue whilst CBO and NGO groups undertake important outreach work in the region (Nelson-Nuñez, 2019). Western academic research has also predominantly focused on Peru's mining sector (Ali and O'Faircheallaigh, 2008; Muradian et al., 2003) with less attention paid to the impact of the oil industry in Loreto, making it a constructive site for empirical analysis. Lastly, PhD fieldwork was undertaken in the region enabling the researcher to draw upon relevant empirical data.

This paper will show that the PEV theoretical framework can act as a theoretical bridge between political ecology and environmental justice. It does so by exploring the impact that underlying social, political, economic and geographical factors have on senses of justice being vocalised by and within marginalised groups and those that represent or work with them. Results indicate that a shared sense of justice can occur between local communities and non-state actors. This 'sense of justice synergy', achieved via inclusive participatory mechanisms and equitable partnerships, enables struggles to be made visible to the wider world and heard, evidenced through the grievances being addressed by the state and resource extraction industries (REIs). In these engagements, local community voices were not dispossessed, or their justice struggles co-opted by non-state actors. Nevertheless, how transformative these engagements are is variable. Whilst procedural justice can be secured in these partnerships through negotiated agreements with the state and REIs, these are only short-term successes

which do not alter the state's power to ignore the stipulations or its ongoing neoliberal development pathway. The process of securing justice through legal means would appear to offer the most beneficial way for NGOs to support local justice struggles as it can lead to stronger assurances that local justice claims are both listened and responded to. However, to be truly transformative process, there is a need for legal procedural justice to not only tackle the injustice impacts caused by neoliberal extraction, but also challenge the deeper structural injustice of misrecognition prevalent in Peru so that human rights, alternative livelihoods and developmental futures are recognised and safeguarded.

This paper will begin with a literature review exploring the relationship between procedural justice and transformative power, society and non-state actor engagement and 'senses of justice' before outlining the PEV theoretical framework and the connection between 'voice' and 'justice.' This will be followed by an outline of the case-study and contextual background on the wider PEV Loreton challenges alongside the methodology. An Empirical section is detailed and subsequently analysed in the Discussion before a Conclusion summarises the article.

## Environmental justice and the struggle for transformative power

The unequal distribution of pollution and the ability to seek redress, remain ongoing sources of contestation that shape environment – society relations. Environmental justice, a reference to the human right to a healthy and safe environment, access to environmental information and participation in environmental decision making (Bell, 2011: 241), has become a key avenue through which these challenges have been explored. The concept was established in the United States in the early 1980s after civil protest at the racialised dumping of PCBs in Warren County, North Carolina and the disproportionate exposure of minorities and the poor to pollution (Bullard, 1999; Bryant, 1995; Maantay, 2002; Zimring, 2015). This focus on distributive justice, whilst still explored in different U.S. contexts (Goodling, 2019; Graddy-Lovelace, 2017), has extended into a global, empirically rich and plural research agenda (Martin, 2015; Schlosberg, 2004; Walker, 2009). This encompasses topics including the environmentalism of the poor and the petro-violence of oil frontiers (Peluso and Watts, 2001; Watts, 2015), 'slow violence' (Nixon, 2011) and structural injustices connected to polluted landscapes and 'sacrifice zones' (Lerner, 2010).

Theoretically, environmental justice is now understood as a three-dimensional (Fraser, 2008) or trivalent (Schlosberg and Schlosberg, 2007) concept that has expanded from a

distributive focus onto other overlapping dimensions which are of importance for this paper. The first is procedural justice which investigates the processes and mechanisms by which goods are allocated and the decisions made (Clayton, 2000) and requires states to provide access to environmental information and access to decision-making and justice if these rights are infringed (United Nations, 2018). Myers et al. (2018: 3) suggest that procedural justice is “fundamentally about meaningful participation in decision-making, including having a seat at the table, having a voice, and ultimately having power”. Effective and meaningful local level actor participation rather than tokenism (Arnstein, 2019; Gonzalez and Brown, 2021) is integral to achieving fair distributive outcomes (Clayton, 2000). Environmental justice scholars have highlighted how environmental management regimes are often rooted within the ideologies and practices of colonialism (Richmond, 2013). Whilst there have been post-colonial efforts to improve indigenous voices and rights within environmental management systems (Barrera-Hernandez et al., 2016; Phromlah and Martin, 2015; Richmond, 2013) (Richmond, 2013; Phromlah and Martin, 2015), these often produce ‘marginalised opportunities’ (Delabre and Okereke, 2019; Richmond, 2013; Schilling-Vacaflor, 2017) that fail to deliver procedural justice.

The second interlinked dimension is recognition which can be understood as a struggle for the ‘recognition of difference’ and the injustice of ‘misrecognition’ (Fraser, 2000). In this context, academics have stressed the spatial constitution of recognition (Walker, 2009) and the “politics of territory, place and networks” (Holifield, 2012: 609), which impacts what is misunderstood or misrecognised. A capabilities approach to environmental justice has shown how the indigenous peoples’ struggle for recognition encompasses wider capability issues including the preservation of native cultural practices, language and religion, respect for sacred sites, the protection of traditional village economies and the health of the environment (Schlosberg and Carruthers, 2010).

In Latin America, there have been notable improvements in this regard with pluricultural and plurinational constitutions in Bolivia, Ecuador and Venezuela providing state recognition and rights on a host of areas including cultural and religious identities and land and territorial ownership (Rodríguez and Inturias, 2018). Nonetheless, research has shown how the absence of meaningful participation is mirrored in the depreciation of indigenous and traditional peoples’ knowledge about natural resource management and the environment (Aseron et al., 2015). Their alternative cosmological visions (Fausto and Heckenberger, 2007; Smith, 1996) and anti-modernity and decolonial agendas (Escobar, 2008; Escobar, 2018) are directly contradictory to the expansion of western neoliberal capitalist development which is

racialised (Pulido and De Lara, 2018) and extractive-oriented (Enns et al., 2019). Subsequently, one finds that whilst these visions and agenda have achieved some recognition e.g. Buen Vivir (Rawson and Mansfield, 2018; Villalba, 2013), they are predominantly excluded from natural resource management systems and discourses (Aseron et al., 2015).

The crucial and underlying challenge for trivalent justice for indigenous and tribal peoples remains the struggle for power. Critical environmental justice scholars indicate the need for researchers to reflect on and engage with the deeper, entrenched and embedded forms of social power, including state power, in society (Pellow, 2016; Pellow and Brulle, 2005). “Effective participation always means an adjustment of political power, and if legal arrangements centralise power then effective participation is unlikely in practice even if suggested in principle” (Phromlah and Martin, 2015: 140). In a paper by Rodríguez and Inturias (2018), they outline two kinds of power; hegemonic power or ‘power as domination’ and transformative power. The former can occur in visible forms e.g. through environmental management regimes and decision-making mechanisms or in less visible processes such as hegemonic discourses, narratives, practices, and worldviews. Hegemonic power processes cause domination, division, and distributive injustice in which environmental burdens are adversely affecting certain groups.

There is also a second form of transformative power often referred to as the ‘power of agency’, in which social actors mobilise resources to create and implement a desired solution to socio-political problems (Rodríguez and Inturias, 2018). Unlike power as domination, transformative power is often collaborative and entails understanding how excluded people make use of their resources and sources of power to counteract the forces of domination (Rodríguez and Inturias, 2018). Social transformation and environmental justice can only occur when frameworks, people, and dominant discourses are altered. In this paper’s context, one must consider how community actors seek to achieve procedural justice and the wider social actor partnerships that support this transformative power process.

## Non-state actors, power and ‘senses of justice’

CBO and NGO actors are important to consider in relation to the mitigation of socio-political problems, such as environmental injustice, but also due to their facilitation of transformative power. For example, NGOs can represent and ‘scale up’ citizen political voice (Bebbington et al., 2008a; Perreault, 2003; Thomas, 2008), by challenging ‘the territorial power of nation-states’ (Walton, 2016: 11) through their role as the organisational face of deeper,

internationalised networks of social action and knowledge exchange (Bebbington, 2004; Bebbington et al., 2008b).

Nonetheless, citizen interaction with these actors indicates the ongoing battle for political power and participation to mitigate environmental injustice. These organisations can struggle to provide public participation (Desforges, 2004; Kotte and Kakumani Lavanya, 2011) due to a recent NGO shift away from social and political mobilisation, so-called ‘depoliticisation’, towards apolitical service delivery (Banks et al., 2015; Rahman, 2006). Their roles as ‘intermediaries’ (Simon, 2009) results in a delicate balancing act between different competing relationships and interests (Hulme et al., 1997; Rahman, 2006) which their participatory self-selection bias can polarise and exacerbate (Chambers et al., 2020). One must consider how these groups implement participatory processes in pursuit of environmental justice and whether it is through transformative empowerment for local people, or conversely tokenism.

The difficulty for citizens is that they also lack power to force downward accountability (Bawole and Langnel, 2016; O’Dwyer and Unerman, 2010). This is partly due to the competing, shifting entanglements within transnational civil society, in which certain third sector configurations will become central to transnational politics whilst others will be ignored or marginalised (Pieck and Moog, 2009). Consequently, even with NGO commitment to community-driven, grassroots approaches (O’Leary, 2017), poor, minority groups, who already suffer from exclusion or ‘un-entitlement’ to the benefits of democracy and citizenship (Coddington, 2017; Hammett, 2008; Mavroudi, 2008) may struggle to seek redress. These unequal power relations between citizens and non-state actors are exacerbated by the ‘politics of scale’ (Kurtz, 2003). This reveals “the tension between the scale(s) of the problem itself and the scale(s) at which the problem is to be resolved (or at least ameliorated) via public policy” (Williams, 1999: 50). Societal efforts to resolve problems with and through non-state actors does provide the benefit of transcending local concerns into new spaces and networks (Escobar, 2001). Nevertheless, how environmental justice struggles are scaled up into national regional or international contexts is inexorably tied to each non-state actor’s conceptualisation of this idea.

The way in which non-state actors perceive or understand different theories or contexts has been explored in relation to nature (Arora-Jonsson and Ågren, 2019), peace building and security governance (Ebo, 2007) and poverty (Bebbington, 2005). For example, research by Bebbington (2005) on Dutch and Peruvian NGO aid chains concluded that their representation of the poor is constructed through their ideas, discussions and reports about how society and

the economy is, in different spaces, how they have become the way they are, and crucially, how they believe they should be.

In relation to environmental justice, Svarstad and Benjaminsen (2020), suggest applying the notion of ‘senses of justice’, a term connected to and building on the ‘sense of place’, which acknowledges the importance of capturing and recognising people’s thoughts about their home place in the remedial process (Barron, 2017). The senses of justice concept, reached through a political ecology lens, recognises the “ways in which affected people subjectively perceive, evaluate and narrate an issue, such as their perspective on environmental intervention” (Svarstad and Benjaminsen, 2020: 4) and requires researchers to investigate how senses of justice are expressed by and within marginalised groups. Crucially, one can argue that the senses of justice in social contexts also applies to other actors such as CBOs and NGOs. This is a significant point to note as it has implications on how local justice struggles are scaled up and represented by these actors. There is an absence of research empirically investigating the senses of justice concept applied by non-state actors and how these interact with local justice conceptualisations and struggles. In essence, whether the interests of local, particularly poor people are being upheld (Lindell, 2010). This paper seeks to explore this knowledge gap and will do so through a political ecology lens.

Despite the distinct emergence and evolution of each field (environmental justice concentrating on United States pollution and political ecology on Global South natural resource governance), both have clear overlap in their critical study of environmental interventions (Svarstad and Benjaminsen, 2020). However, there are of course notable distinctions. One of the major differences is the interplay between theory and practice. The initial environmental justice activism in the United States has given environmental justice an empirical and methodological orientation which has meant that the field has not had the need to theorise itself (Holifield, 2019; Swyngedouw and Heynen, 2003). This has often led to a failure to place justice issues in a larger political economic framework with its key strength instead been on supporting and advancing social and environmental movements (Lee, 2009). On the other hand, political ecology has a broad theoretical perspective (Swyngedouw and Heynen, 2003) but can often fail to be practically applied to real social and environmental problems, which are directly connected to justice concerns. Moreover, political ecology does not try and actively solve the problems that cause environmental pollution or social marginalisation (Lee, 2009), instead concentrating on refining and expanding its theoretical and political repertoire (Holifield, 2019).

Consequently, studying environmental justice through a political ecology lens has significant theoretical benefits. The senses of justice indicates how political ecology can

strengthen the theoretical framework underpinning environmental justice, and in so doing aid efforts at decolonising the environmental justice field and the dependency on recognition by the liberal state (Pulido and De Lara, 2018). This theoretical benefit is also evident when reflecting on the process of power; whilst both fields recognise its importance, political ecology has a more explicit understanding of what power means and how it is utilised. For example, the power as domination and transformative power previously described by Rodríguez and Inturias (2018) is understood in political ecology and wider social sciences as ‘actor-oriented’, in which power is ‘exercised’ by those implementing environmental interventions or conversely those resisting them (Svarstad and Benjaminsen, 2020; Svarstad et al., 2018). This study’s investigation into how senses of justice interact between citizens and communities on the one hand and non-state actors on the other, is underpinned by the process of actor-oriented power and would thus benefit from a political ecology approach. However, to provide further clarity on how senses of justice are expressed in these interactions, this paper conducts analysis through a specific political ecology approach termed PEV.

## Vocal justice through the political ecology of voice (PEV)

PEV integrates political ecology and its core themes of power, scale, space, and time with Hirschman’s voice theory which has been reconceptualised into an environmental context (Gonzalez, 2015) ( see Figure 1<sup>1</sup>). It can be defined as “the study of a specific temporal, economic, political, social and geographical environment in which various stakeholders (e.g. citizens ... CBOs and ... NGOs) utilise their voice over an environmental issue” (Gonzalez, 2015: 467). PEV can provide a stronger theoretical framework for the study of environmental justice whilst also enabling political ecology to be practically applied beyond merely theoretical debates (Lee, 2009). Consequently, the PEV framework can act as a theoretical bridge between both fields by exploring the impact that underlying social, political, economic and geographical factors have on senses of justice being vocalised by and within marginalised groups and those that represent or work with them. A PEV study in this context is a study of how challenging the process of achieving environmental justice is for local actors.

A focus on voice, as opposed to ‘entanglements’ (Pieck and Moog, 2009), ‘negotiation’ (Ball and Piper, 2002), or ‘advocacy’ (Banks and Hulme, 2012) requires us to be clear on what voice means in this environmental justice context. In a previous paper, voice was described as

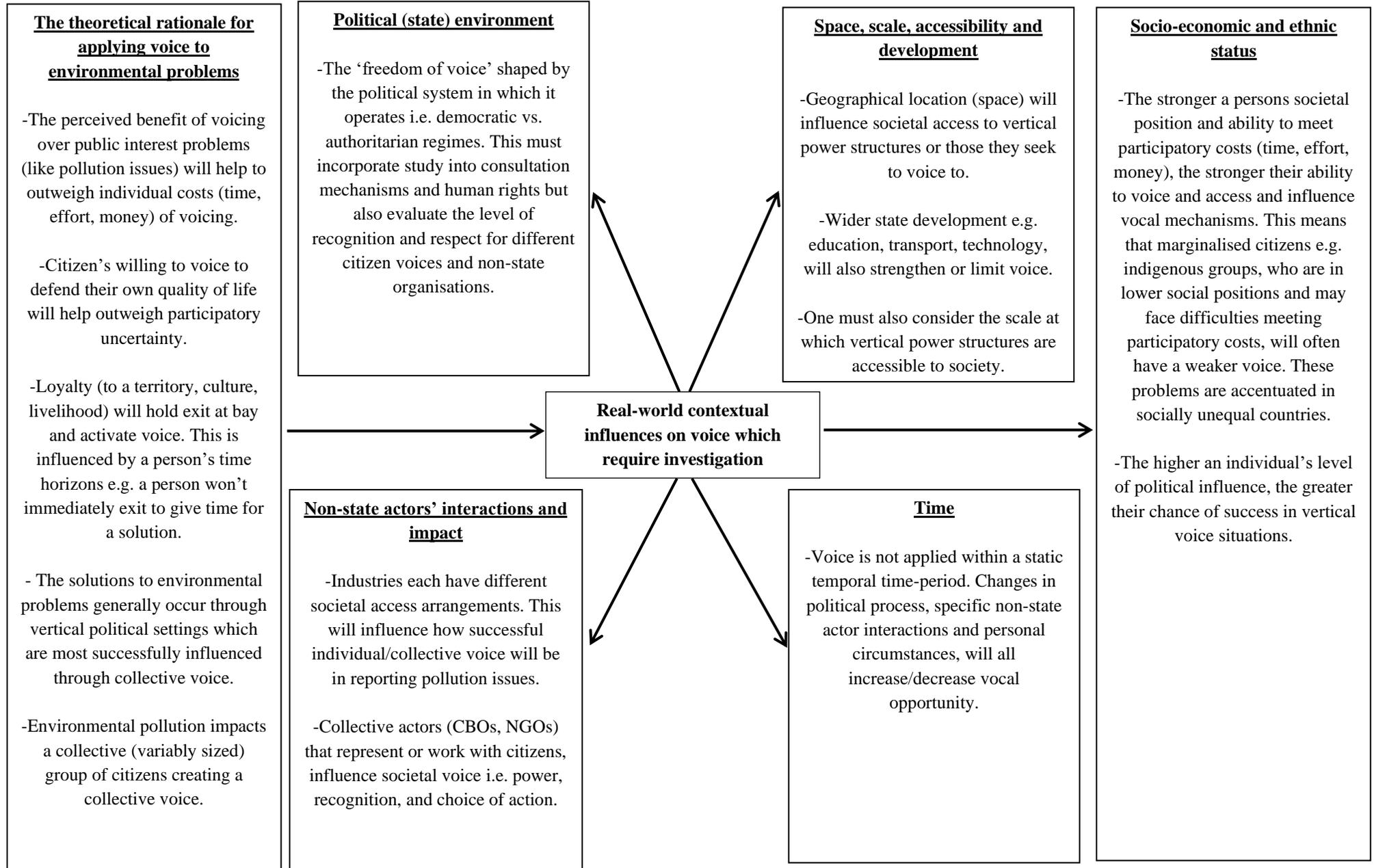
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<sup>1</sup> The headings and information contained in Figure 1 have been refined in this paper to accurately reflect this political ecology connection.

an active statement of protest surrounding a disagreeable issue(Gonzalez, 2018a). Here however, voice has a multi-faceted meaning that directly connects to the trivalent conceptualisation of environmental justice. It can be understood as an active attempt to make distributive injustice issues *visible* to the wider world, as well as *heard*, evident through the grievances being redressed by the actors responsible. This response to the different vocal acts requires evaluating the processes and mechanisms of procedural justice and will indicate whether these injustice problems and those voicing them gain recognition.

This paper's focus on non-state actor senses of justice and their interaction and possible contestation or 'competing entanglements' (Pieck and Moog, 2009) with local procedural claims provides further specificity to our exploration of voice in this justice context. It will enable us to uncover how local justice concerns are being framed and vocalised by non-state actors, in effect what 'sense of justice' is being pursued. In so doing, it will evaluate whether these partnerships signify a transformative power process that strengthens local, particularly subaltern voices (Naidu and Makanda, 2015; Routledge, 2003) and their injustice grievances, evident through recognition and respect by the state and other actors. Conversely, one could instead find that these interactions dispossess local claimant voices (Bourdieu, 1986; Mohan, 2002), thereby reinforcing the structures of hegemonic power and oppression that local, marginalised communities face.

Figure 1: The political ecology of voice (PEV). Modified from Gonzalez (2015: 479).



# 1 Peru information and methodology

## 2 Loreto Region

3 Two of Peru's main economic activities and principle national exports are mining and  
4 hydrocarbons, which account for over 14 per cent of the country's gross domestic product in  
5 2019 (EY. et al., 2019). Peru's Loreto Region is integral to this oil exploitation. It is a vast  
6 territory, covering nearly 369,000 square kilometres (Finer et al., 2013) but is sparsely  
7 populated, with 45 per cent of its 1 million + inhabitants residing in the regional capital Iquitos,  
8 whilst the remainder dwell in over 2,000 smaller, remote river communities (Brierley et al.,  
9 2014).

10 Oil was first discovered in Loreto by the state-run company Petroperu in the 1970s  
11 (Haller et al., 2007), but it was only after structural reforms in the 1990s that Peru's  
12 hydrocarbon sector became more competitive. Since then, the industries have witnessed  
13 increased investment and areas zoned for operation (EY. et al., 2019). Oil production (see Table  
14 1 and Map 1) is predominantly centred on Blocks 8, 95 and 192 (formerly Block 1AB) which  
15 account for 16.3 per cent of Peru's total oil production in 2019 (Petroperu, n.d.a). A further  
16 three other exploration Blocks have also been leased. The North Peruvian Pipeline and a  
17 northern pipeline branch were completed in the 1970s to transport crude oil from production  
18 Blocks to the Talara refinery on the pacific coast.

19

20 Table 1: Loreto hydrocarbon exploratory and production Blocks (as of September 2019) (EY.  
21 et al., 2019; Bnamericas, 2019; Perupetro, 2019; PetroTal, n.d.)

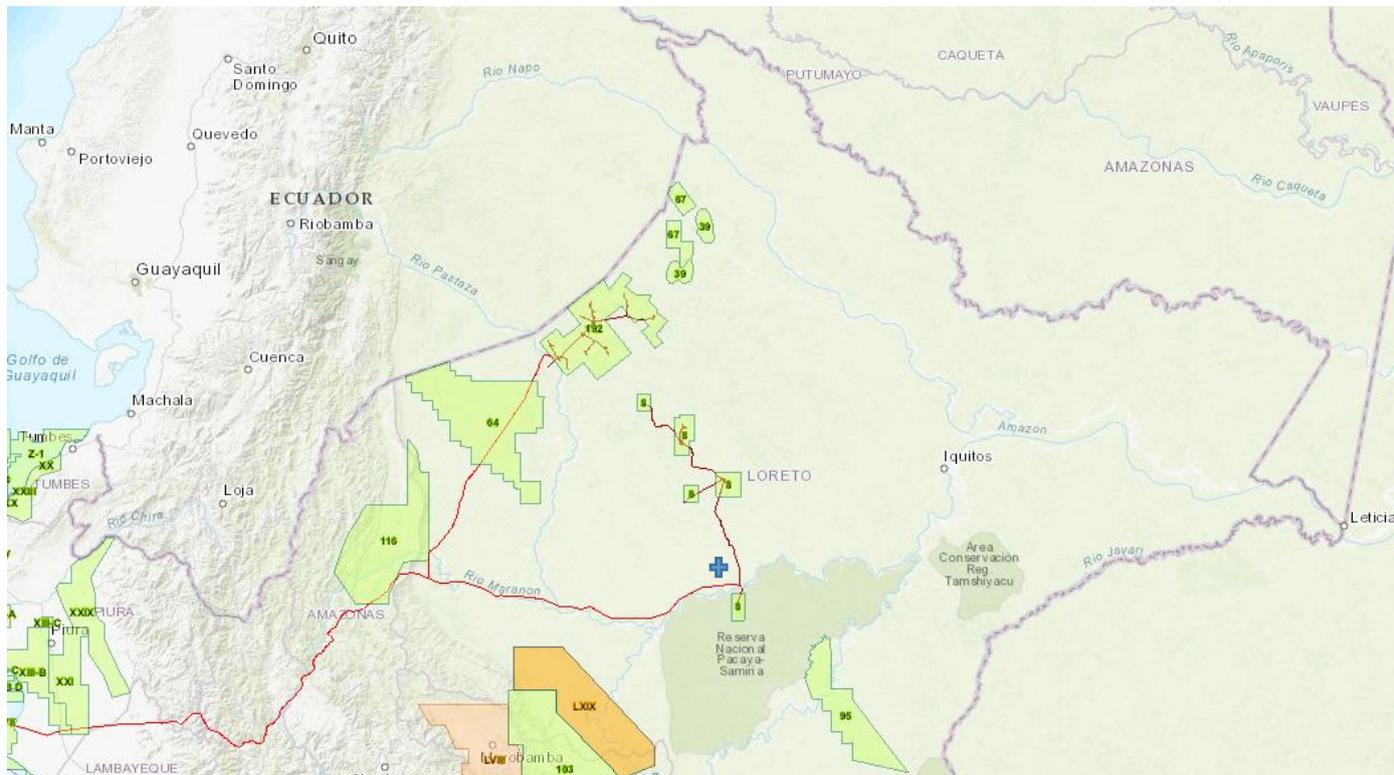
22

	Block	Current operator	Subscription date	Block area in hectares (ha)	Monthly production thousand/barrels (September 2019)
Exploration	39	Perenco, Anglo-French firm	September 1999	79,164.497	-
	64	GeoPark, U.S. firm	December 1995	761,501.001	-
	67	Perenco	December 1995	101,931.686	-
Production	8	Pluspetrol, Argentina firm	May 1994	182,348.210	169,662
	95	PetroTal Corp, U.S. firm	June 2017	345,281.667	148,440
	192	Pacific Stratus, subsidiary of Canadian Frontera Energy	August 2015	512,347.241	257,608

23

24

25 Map 1: Location of Loreto’s exploratory and production Blocks and case study village  
 26 (Perupetro, n.d.b)



27

28 Key

- 29 — North Peruvian pipeline and Northern Spur
- 30 — Oil Block pipelines
- 31 ● Oil Blocks
- 32 + Approximate Cuninico location

33

34 Despite its long oil history, Loreto remains a challenging production environment.  
 35 Blocks 8 and 192, along with the North Peruvian and Northern Branch pipelines, have been a  
 36 major source of ongoing contamination. In 2016, seven ruptures, spilling an estimated 10,000-  
 37 barrels of oil occurred (Law in Action, 2016), which forced Petroperu to shut down the pipeline  
 38 for one year to complete repairs (The Chaikuni Institute and ORIPO, 2018). Since 2016, the  
 39 National Environmental Monitoring Agency have claimed that more than 20,000-barrels of oil  
 40 have spilt from the pipelines in 15 vandalism attacks and 5,600-barrels have been lost due to  
 41 corrosion or operative failures (Cespedas, 2018). Meanwhile, the absence of free, prior and  
 42 informed consent (FPIC), environmental pollution and chronic underdevelopment have led to  
 43 ongoing indigenous protests including river and pipeline blockades (The Chaikuni Institute and  
 44 ORIPO, 2018; Taj, 2019a), alleged pipeline vandalism (Cespedas, 2018) and oil installation

45 seizures (Taj, 2019b). These protests, alongside the pipeline closure, has had a significant  
46 impact on Loreto's oil production and firm investment (Bnamericas, 2019; Cervantes, 2019).

47 One community affected by pollution caused by Petroperu serves as a specific case-  
48 study of this procedural justice partnership. Cuninico, a Cocama (also spelt Kokáma)  
49 indigenous village of between 450-500 inhabitants, is located on the Marañón Riverbank in  
50 Urarinas district, Loreto province (Latitude: -4.81667, Longitude: -75.16667). In June 2014,  
51 the North Peruvian pipeline burst, spilling an estimated 2,000-barrels into its dredged floatation  
52 channel that flows into the Cuninico River and eventually the Amazon River (Fraser, 2016).  
53 This incident is the basis of their justice struggle outlined in the empirical findings.

54

## 55 Contextualising Environmental Justice in Loreto

56 It is "*quite easy to manipulate them [indigenous communities] .... That is what*  
57 *authorities do ... the ones with more knowledge, more education*" (NSI5R1, Public  
58 Prosecutor Specialised in Crimes of Corruption for the decentralised Judicial district of  
59 Loreto).

60

61 It is important to summarise the wider PEV contextual environment in which  
62 environmental justice operates in Loreto. The first aspect concerns Peru's political environment  
63 and the freedom of voice, a concept similar to U.S. freedom of speech, which requires exploring  
64 societal rights and the possibility for this action by citizens and other actors. The second area  
65 is societal accessibility to state-based environmental justice, and the level of state support and  
66 recognition for peoples claims.

67 In relation to Peru's political environment, the country has begun to consolidate  
68 democracy through adherence to global norms that provide its citizens with a broad freedom  
69 of voice, though of course challenges remain (Human Rights Watch, 2020). However, the  
70 political environment surrounding hydrocarbon consultation highlights a far more restrictive,  
71 suppressive freedom of voice. This is due to Peru's aggressive hydrocarbon and development  
72 agenda, termed a '*selva* (rainforest) hydrocarbon and development vision' (Gonzalez, 2018a).  
73 The advancement and protection of this agenda by the Peruvian state means that citizens are  
74 denied the opportunity to provide FPIC to development projects, thereby contravening Peru's  
75 ratification of the International Labour Organisation's Convention 169 in 1995 (International  
76 Labour Organisation, n.d.). Additionally, opponents of these projects, notably land and  
77 environmental rights defenders, are delegitimised and attacked by the state through judicial  
78 harassment and physical violence (Front Line Defenders, 2014), a situation contributing to

79 ongoing deaths (Global Witness, 2018). Consequently, gaining state recognition for justice  
80 claims against these extractive projects is incredibly challenging and undeniably risky.

81         Regarding the second PEV aspect, recent research (Gonzalez, 2019) found that rural  
82 Loreton communities suffer from poverty and chronic underdevelopment, which leaves them  
83 unable to access the state or its judicial mechanisms. Their isolation is exacerbated by  
84 discrimination and silent racism (de la Cadena, 1998), evident in the reluctance of elected  
85 political representatives to visit and engage with indigenous *selva* communities at the periphery  
86 of state and society. It is also evident in the systematic human rights abuses and exploitation  
87 caused by Petroperu(Gonzalez, 2018b). The absence of political engagement increases  
88 community mistrust of the state and compels indigenous communities to become reliant on  
89 their own informal governance systems. This continues Peru’s historic process of indirect ‘rural  
90 governance’, which has sought to maintain racial domination by subordinating indigenous  
91 people under a distinct set of decentralised, fragmented ‘native’ institutions that do not  
92 challenge the racialised status quo (Scarritt, 2012).

93         This challenging rural societal access and interaction with the state has significant  
94 implications on the concept of environmental citizenship.<sup>2</sup> Peru’s rights-based approach to  
95 citizenship, including the environment, does not extend into rural spaces. This leads to what I  
96 term ‘shadow environmental citizenship’ (Gonzalez, 2019) in which Loreton communities  
97 cannot access or claim their environmental rights from the state, which fails to adequately  
98 support or recognise these citizenship grievances. Shadow environmental citizenship has two  
99 notable impacts. Firstly, it forces communities to utilise unorthodox informal voice actions e.g.  
100 alerting actors through the media, or radical voice activities e.g. oil pipeline sabotage, to try  
101 and be heard and/or seek redress for infringement of human and environmental rights.

102         Secondly, communities become more reliant on links to non-state actors for the  
103 provision of services (Nelson-Nuñez, 2019) and in the struggle for environmental justice.  
104 During 2015 fieldwork, two NGO spokespeople sought to make clear that their mission “*isn’t*  
105 *to fulfil the state’s role*” (NGO5R1) as they “*are not the state and by no means do we pretend*  
106 *to occupy their place*” (NGO6R1). However, there is an ‘open space’ (NSI2R1), a “*gap that*

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<sup>2</sup> Whilst disagreement remains about what this citizenship looks like, or the strategies used to nurture it (Hobson, 2013; Schild, 2016), it is defined here as the obligation of the state to provide and fulfil fundamental human and environmental rights for society and to offer equitable information and justice opportunities for citizens to report infringement. These include substantive human rights to accessible and adequate food, clean water and sanitation and a decent standard of living, ensured through a safe, clean, healthy and sustainable environment (United Nations, 1948; United Nations, 1966; United Nations, 2010).

107 *the state isn't filling*" (NGO6R1) that non-state actors can have a great deal of influence in  
108 (CBO3R1; NGO4R1). As Cuninico's Catholic priest explained:

109

110 *in this area [the Marañón river basin], there are not isolated indigenous, they ... have*  
111 *contact with western society ... [but], it depends, people can have contact with the*  
112 *government but not with the [Catholic] Church, or with the Pentecostal Church but not*  
113 *with the Catholic. Each one decides what they want* (CBO4R3).

114

115 In this challenging PEV context and 'open space', non-state actor senses of justice and  
116 interactions with local conceptualisations will be explored.

117

## 118 Methodology

119 Data were acquired through a multi-method qualitative approach integrating semi  
120 structured interviews and micro-geography interview observation (Elwood and Martin, 2000).  
121 Interviewee consent enabled the audio recording of interviewees, which were led by a paid  
122 local interpreter and anonymised. An interview guide tested through several pilot interviews  
123 and revised through contact summary sheets served as the basis for interview questions. Each  
124 person was given a coded category made up of their broad professional occupation, ethnicity,  
125 geographical location and interviewee and organisation (if relevant) number (*n*) (Appendix A).

126 A theoretical sampling approach for data collection was taken in which I actively  
127 sampled for relevant data. Initial contact was made with several potential collective voice  
128 actors and gatekeepers of case-study communities via a Google internet search. These were  
129 three NGOs; E-Tech International (NGO1R1), The Peru Mission (NGO2R1) and Alianza  
130 Arkana (NGO7R1) and an indigenous environmental watch-dog CBO, Red Ambiental  
131 Loretana, (CBO1R1). Aside from E-Tech International, all are based in Iquitos.

132 In total, 110 interviews were conducted with 105 interviewees during PhD fieldwork,  
133 recruited through the snowballing effect.<sup>3</sup> Of this total, interviews with 57 participants  
134 discussed procedural justice in Loreto and included a mix of CBO, NGO and state  
135 representatives alongside the experiences of Cuninico's Cocama community. Further questions  
136 surrounding procedural justice were emailed to CBO and NGO representatives in 2016 with  
137 several responses received. Appendix A provides information on these different representative  
138 organisations. The 57 relevant participant interviews comprise 29 Cuninico interviews, nine

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<sup>3</sup> The Peru Mission interviewee (NGO2R1) had three interviews labelled a, b and c with a similar categorisation used for Catholic Church representative 1 (CBO4R1), NGO ProNaturaleza representative 2 (NGO4R2) and National Authority of Water (ANA) (NSI1R1).

139 participants representing eight separate NGOs, ten representatives from four separate CBO  
140 organisations, five government interviewees, two academics, one journalist and one  
141 environmental and human rights lawyer.

142 Interview transcripts were produced by paid UK translators and analysed through QSR  
143 Nvivo 10 software in which data were coded through typologies (concepts, categories and  
144 propositions) via a weak form of inductive or conventional analysis (Taylor, 1998). The  
145 inductive analysis was combined with analyst-based typologies and where possible indigenous  
146 or emic typologies (Patton, 1987), so that interviewee voices were “heard” as often as possible  
147 and utilised in a way that did not alter their voice. To help underpin the coding process, a loose  
148 PEV research storyline was established, incorporating initial concepts and categories.

149

## 150 Empirical findings

151 One important line of CBO and NGO interview questioning was to understand the types  
152 of activities these actors implemented to facilitate local environmental justice. Educational  
153 activities were an important feature of NGO community engagement, principally teaching  
154 indigenous peoples about their human and hydrocarbon process rights (CBO4R3; NGO6R1;  
155 NGO7R1; NGO8R1). Whilst the Ministry of Culture and Vice Ministry of Interculturalism had  
156 been created in 2011, state limitations mean that “*in many opportunities it can be us providing*  
157 *logistics for the state*” (NGO6R1). For instance, Law, Environment and Natural Resources, a  
158 non-profit civil organisation centred on sustainable development and natural resource  
159 management, concentrate part of their work on “*strengthening the organisation of indigenous*  
160 *people*” through education in the Ucayali province, Loreto region (NGO8R1). Equally, Nature  
161 and Culture International (NGO6R1), a non-profit private institution focused on biological and  
162 cultural diversity, train “*communities in their rights so that they know them well .... and know*  
163 *how they can claim them*” (NGO6R1).

164 A second key activity was “*vigilancia de la comunidad*” (NGO8R1) or environmental  
165 monitoring, which was implemented by several NGOs (NGO1R1; NGO4R1; NGO8R1). The  
166 NGO ProNaturaleza, focused on sustainable development and conservation, has established  
167 environmental monitoring services in the Corrientes river basin for over eight years. This  
168 provides training and

169

170 *capability [through equipment including GPS and cameras] to the people in charge of*  
171 *monitoring the communities, elected by Assembly, in order to be able to monitor the oil*

172           *activity. The community monitoring programmes don't replace the monitoring the*  
173           *companies are required to do, but it [sic] complements it* (NGO4R1).  
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175 Further practical assistance was also provided to local communities. Two organisations, E-  
176 Tech International (NGO1R1) and ProNaturaleza (NGO4R1/2), support *selva* communities  
177 through hydrocarbon technical document production, e.g. on river mercury levels, whilst staff  
178 act as interpreters in meetings<sup>4</sup> (CBO3R1; NGO1R1) and review and simplify environmental  
179 impact assessment (EIA) proposals<sup>5</sup> (NGO1R1; NGO3R1; NGO4R2b; NGO5R1; NGO7R1).  
180 Some actors also sought “*strategic alliances*” (NGO5R1) with other organisations to promote  
181 local level issues (CBO3R1; CBO4R3; NGO5R1; NGO7R1).

182           Over the course of interviews with different actors, the conversation turned towards a  
183 discussion of environmental injustice and their respective organisational focuses (NGO7R1),  
184 agendas (NGO2R1b; NGO3R1) and “*intentions*” (NSI2R1) i.e. senses of justice, and the way  
185 justice should be procedurally pursued. A fascinating discussion was held with a representative  
186 of the CBO Red Ambiental Loretana, who recounted their experiences of mobilising and  
187 supporting Achuar indigenous communities. The CBO sought to represent local community  
188 voices through a sense of justice that was “*attuned with local community issues*” (CBO1R1)  
189 concerning environmental and human rights abuses. This long-running campaign, beginning  
190 in 2004, demanded that the government and the oil company Pluspetrol, who had controlled  
191 Block 8 and 1AB/192 since 1996 and 2001 respectively, reinject the heavily toxic produced  
192 water into the oil fields, thereby removing the government’s ongoing exemption of Pluspetrol’s  
193 compliance with existing Peruvian laws (Orta-Martínez et al., 2018; Vasquez, 2013).

194           Justice was pursued through a non-violent campaign, a strategy agreed in discussions  
195 between the local communities and the CBO (CBO1R1). It consisted of “*sit downs, protests ...*  
196 *meetings, talking to the press ... visiting schools ... [and] universities*” within Iquitos. Initially,  
197 the government viewed these actions as “*a nuisance*”, but due to the campaigns growing local  
198 traction, subsequently “*became very sensitive to our ... voice*” and moved to expel the CBO  
199 co-ordinator back to his native country, a situation only averted by significant national and  
200 international attention and condemnation (CBO1R1). Further mobilisations followed. In  
201 November 2006, through the CBO’s coordination, more than 800 Achuar indigenous people  
202 staged a peaceful two-week blockade of Blocks 8 and 1AB/192, shutting down power to most

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<sup>4</sup> Though Quechua is an official language in Peru, Spanish “is the language of commerce, education, and government” (Cultural Survival, 2001).

<sup>5</sup> There are of course limits; “*some issues, seismic for example – it’s very technical. And it seems like they [the state or REIs] didn’t find a way to make it in a simpler language*” (NGO4R2b).

203 of Loreto's oil production and its road, airport and river access (Collyns, 2006; Orta-Martínez  
204 et al., 2018).

205         Aside from non-violent campaigns, other more radical forms of vocal action such as  
206 riots or oil pipeline sabotage, exist and are used to make local injustice issues visible and heard.  
207 However, when these examples were put to different non-state actors, none of the  
208 representatives supported gaining procedural justice through these means (NGO5R1;  
209 NGO6R1; NGO7R1; NGO8R1), though one Catholic Church interviewee (CBO4R3)  
210 described supporting its use in previous decades. In contemporary Peru, the Red Ambiental  
211 Loreтана spokesperson believed that justice struggles by citizens and CBO and NGO actors no  
212 longer had “*to be a protest*” (CBO1R1), due to the growth in Peruvian societal environmental  
213 concerns (CBO4R3; IUA3; NGO6R1), improved NGO involvement in Peru (CBO1R1) and an  
214 increase in media coverage (ILP1; NGO2R1b).

215         Another key sense of justice uncovered through reading prior to fieldwork was the use  
216 of private, negotiated financial settlements between indigenous communities, their federations,  
217 and REIs. A recent illustration of this form of procedural justice which was discussed with  
218 interviewees was Occidental Petroleum's 30-year oil extraction operations in the Corrientes  
219 river basin and the resulting socio-environmental impacts on Achuar residents (Goldman et al.,  
220 2007). In 2007, the *Maynas Carijano v. Occidental Petroleum* legal case was started on the  
221 behalf of 25 indigenous plaintiffs by the NGOs Amazon Watch and EarthRights International  
222 in the Los Angeles U.S. Federal Court. Ultimately, the case never came to trial as the parties  
223 reached a confidential mutual financial settlement in September 2013, only publicly  
224 announcing it in March 2015 (Cultural Survival, 2015; Earth Rights International, 2015).

225         In discussing this sense of justice, a representative from the government's National  
226 Environmental Monitoring Agency gave the example of a human rights lawyer that advises  
227 Loreton indigenous federations to pursue this justice:

228

229         *he has his own [justice] perspective you know, he thinks like negotiating with the*  
230 *government is just worthless because they are not doing anything more than their job*  
231 *.... I believe he sees that in a way of they [sic] deserve this compensation. Which is true*  
232 *but instead of taking it into the [legal] justice level to court or anything he is trying to*  
233 *negotiate; he is advising them to negotiate (NSI2R1).*  
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235 All of the NGO representatives confirmed that their organisations did not seek procedural  
236 justice or support local justice struggles through this mechanism. A ProNaturaleza  
237 representative cautioned that:

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*there is a conflict of interests – sometimes the community is divided, and parts of the community want to get access to money. There’s an issue there from the federations too, they sue the company for spills and problems, and they ask for money as a remedy (NGO4R2b).*

244 The representative from the Peru Mission, a Catholic charity focused on development for  
245 Loreto’s poorest communities, believed that “*the oil companies are frightened, and the*  
246 *government are frightened of engaging with the communities properly. Of what I [sic] might*  
247 *ask of them. It might be too much of a social commitment for them*” (NGO2R1c). They go on  
248 to suggest that non-state actor facilitated deals are of huge benefit to the REIs. “*I think it’s,*  
249 *let’s give them whatever we need to give them to keep them quiet and at some point in a couple*  
250 *of years of time, we will give them another palliative to give them to keep them quiet [sic] ...*  
251 *keep them calm you know (pause). Its massive social divide*” (NGO2R1c).

252 Nonetheless, a Catholic Church interviewee noted that:

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*people need money. Those are places [the selva] where money does not flow ... then, the possibility of an oil company is the possibility of money flowing and people want that .... and we would be naive if we said that they don’t look for money .... You can’t live isolated saying well, I don’t belong in the world ... they realise it is poisoned money ... but they need [it] (CBO4R3).*

260 The National Environmental Monitoring Agency interviewee went on to acknowledge the  
261 challenging circumstances facing Loreton indigenous communities:

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*I hate it when other leaders that maybe you will interview, they will tell you “yeah yeah, no no we don’t want money, we don’t need money. We want just like agreements with the government.” [Pause] Hey everybody wants money, you need to survive, and you’ve been abused from the government for the past forty years, that nobody has like provided any service to you. Hey, you are like in an oil paradise and you don’t get, you don’t see anything, any benefit from that? How will you feel? [Slaps leg] (NSI2R1).*

270 One last important sense of justice and procedural mechanism was also evident. Alianza  
271 Arkana (NGO7R1) alongside the Catholic Church and affiliated Catholic Human Rights  
272 Commission believe that legal assistance for people that lack support (CBO4R1a) or access to  
273 the justice system (IRC13), was the most appropriate way to support local environmental  
274 justice struggles. I was able to gain a clear understanding of this sense of justice and the role  
275 of non-state actors through extensive interviews with Catholic Church representatives and  
276 Cuninico villagers regarding their justice struggle.

277 For over twenty years, CBO4R3, alongside their colleague, have served the spiritual  
278 and educational needs of Cuninico and other communities along the Marañón River  
279 (CBO4R3). This long-term engagement, and the community trust in the Catholic Church that  
280 it generated (IRC13; IRC16; IRC20; IRC23), appear to be key to the village alerting the priests  
281 to the 2014 oil spill, thereby breaking through Petroperu’s efforts at silencing the community’s  
282 concerns at exploitation (Gonzalez, 2018b). Long-term education was critical for the  
283 community’s pursuit of environmental justice through legal action. As one villager told me;  
284 “[t]hey’ve [the Catholic Church] done the trainings, they explain .... And based on that [pause]  
285 we notice that it’s our right, no? Of course, and we’re going to fight until we get it” (IRC18).  
286 Catholic Human Rights Commission representatives stressed that communities have a choice  
287 about whether to pursue legal redress. “We try and listen to both parts [i.e. arguments] because  
288 it’s necessary,” after which consensus is sought as communities “need to feel that what they’ll  
289 get is for everyone’s benefit” (CBO4R1a). In Cuninico’s case, “the community has united, and  
290 we have accepted to be able to do the process towards the state” (IRC8) which was supported  
291 by this CBO.

292 Catholic Church representatives sought to strengthen community comprehension for  
293 legal justice by talking about the spill in a simple, clear way (IRC7). Written information,  
294 showing Petroperu’s lack of compliance with Peruvian laws (IRC9), was provided which  
295 allowed residents “to be informed” (IRC6) and make a choice that they more fully understood  
296 (IRC6; IRC18). The formulation of all the legal strategies “are being done and discussed with  
297 them, altogether. Involving them is a very important part of the process” (CBO4R1a). In April  
298 2015, representatives visited Cuninico and “had some workshops and villagers identified the  
299 problems and how these had manifested. Now, [names redacted] translated those thoughts by  
300 the community to a more legal language” (CBO4R1A).

301 The Catholic Church and its partner organisations, the Institute of Legal Defence and  
302 the Regional Organisation of Indigenous Peoples of the Northern Amazon of Peru (IRC1;  
303 IRC4) were able to secure access to national and transnational legal mechanisms on behalf of  
304 Cuninico and support their litigations. At a national level, the Catholic Church and partner  
305 organisations initiated a constitutional lawsuit against the Ministry of Health (MIONSA) and  
306 Regional Government of Loreto to demand specialised healthcare for communities like  
307 Cuninico affected by the oil spill (Younger, 2020). Alongside this national legal action was  
308 transnational litigation. On the 9<sup>th</sup> June 2016, a public hearing on Cuninico’s case was held at  
309 the Inter-American Commission of Human Rights in Santiago, Chile which was attended by a  
310 Peruvian state delegation comprising representatives of the Ministry of Justice, the Foreign

311 Ministry and Petroperu’s Chairman. Aside from collated locally grounded legal testimony, two  
312 Cuninico citizens, the male community leader, and a female mother of four children were  
313 funded by these non-state actors to attend and give testimony. A bottle of water polluted with  
314 oil was also provided as evidence by one of the Cuninico villagers (Alvitres, 2020).

315 The hearing saw Petroperu admit responsibility for several oil spills for the first time  
316 (Peru Support Group, 2016a) and led the Inter-American Commission of Human Rights to visit  
317 the affected sites and gather information on the situation in July 2017 (Capasso, 2017;  
318 Organisation of American States, 2017a). In response, in December 2017, the Inter American  
319 Commission of Human Rights granted a precautionary measure to protect the life and physical  
320 integrity of Cuninico and San Pedro (Organisation of American States, 2017b). This stipulated  
321 that the Peruvian state conduct medical tests on community members and provide any  
322 necessary medical aid, access to portable water and a nutritionally and culturally appropriate  
323 diet (Organisation of American States, 2017b). The government has now installed a water  
324 purification tank which gives Cuninico water for two hours per day through a tube system  
325 between houses, whilst a water purification plant is being built nearby (Alvitres, 2020).

326 Similarly, the long-running national constitutional lawsuit was ultimately won by the  
327 non-state actors and communities in January 2018, leading to a September 2019 announcement  
328 of a roughly 3 million soles (\$900,000) health plan by the Regional Health Directorate  
329 (DIRESA) within the Regional Government of Loreto. This is the first time that a Peruvian  
330 court (in this case, the Civil Chamber of the Central Headquarters of the Judiciary of Iquitos)  
331 has ordered the design, financing and implementation of an emergency public policy response  
332 to the health impacts caused by oil spills (Younger, 2020).

333 In a final part of the interview with Cuninico’s Catholic priest, I asked him about how  
334 the village would have responded to the oil spill without the Church’s involvement. Whilst his  
335 response is pure conjecture it is nonetheless important: “*I suspect that ... nothing would have*  
336 *happened .... It’s just that ... who do they go to? You have to know people to ask for help, so,*  
337 *who do they go to?”* (CBO4R3). “*Really, we would have been ... abandoned*” (IRC6), a  
338 “*forgotten town*” (IRC13).

339

## 340 Discussion

341 National neoliberal and environmental governance models have created significant  
342 implications for indigenous people (Gombay, 2015; Perreault, 2003), who can become framed  
343 by the state as objects of development, resulting in a false choice between marginalisation and

344 assimilation (Grydehøj and Ou, 2017; Theriault, 2017). This binary choice is exacerbated by  
345 indigenous peoples struggle for power over environmental governance and the recognition for  
346 alterative cosmologies and nature-society relations.

347 In this context, the importance of NGO community empowerment becomes evident  
348 (Banks and Hulme, 2012; Mohan, 2002). In Loreto, one can see that NGO actors are enabling  
349 community empowerment through their support and facilitation for environmental justice.  
350 Educational outreach is a critical and transformative activity which seeds local knowledge  
351 about human rights, responsibilities and justice and can help counteract the yoke of oppression  
352 and societal inequality and vulnerability which plague post-colonial societies (Eckstein et al.,  
353 2003; Telles and Bailey, 2013; Wade, 2010). The reviewing and simplification of EIA  
354 proposals and the production of technical documents enables local justice claims and  
355 community procedural vocal dialogue with other actors to be strengthened. These ‘enabling  
356 roles’ (Yan et al., 2018) are particularly vital given the challenging context of Loreton  
357 indigenous rural isolation, underdevelopment, and limited educational opportunities  
358 (NGO8R1) (Casapia et al., 2007).

359 However, it is important to stress that CBOs and NGOs “*aren’t everywhere*” (CB03R1)  
360 in Loreto. Their limited operational funds and personnel combined with the region’s  
361 geographical distance and travel times, means that there are rural communities that lack any  
362 non-state actor support (CBO3R1; NGO1R1; NGO6R1) (Nelson-Nuñez, 2019). For example,  
363 Regional Organisation of Indigenous Peoples of the East, Loreto’s regional indigenous CBO,  
364 gave a specific example of the Urarina people, living along the Chambira River (Alto Nanay  
365 district, Maynas province) who “*don’t have NGOs and they are not connected well with the*  
366 *cities*” (CBO3R1). NGO focus on connected areas, through attention to urban over rural areas  
367 or development hotspots, confirm that NGOs serve to ‘pluralise’ certain spaces at the expense  
368 of others (Bebbington, 2004; Mercer, 2002) leading to an uneven grounding of NGOs at the  
369 local level (Bebbington, 2004). There is thus a plausible argument that these actors are not well  
370 ‘placed’ to implement environmental justice as their inconsistent local engagement in Loreto  
371 can reinforce the inequality of environmental justice for rural communities caused by shadow  
372 environmental citizenship. However, without their engagement in Loreto and important  
373 service-delivery facilitation (Nelson-Nuñez, 2019), it is conceivable that the struggle for  
374 justice would be even more pronounced for local people.

375 According to an anthropologist at the Research Institute of the Peruvian Amazon, there  
376 is a “*gap*” that cannot be bridged between the liberal state on the one hand and indigenous  
377 people on the other (IUA1). It is evident that interviewed Loreton CBO and NGO actors are

378 not seeking to ‘bridge’ this gap by promoting the benefits of neoliberal development to local  
379 communities, though this can often remain an objective due to the close links between foreign  
380 aid agencies and the neoliberal approach (Makuwira, 2018). Instead, they seek to strengthen  
381 and support communities in their dialogue and probable ongoing contestation with the liberal  
382 state over environmental management issues and environmental injustice. The success of  
383 Loreton CBOs and NGOs in supporting local environmental justice struggles is dependent on  
384 securing and maintaining the trust of the community, an integral parameter (Deng and O’Brien,  
385 2020), but also having a shared sense of justice between both parties. This was apparent in the  
386 work of Red Ambiental Loretana and the Catholic Church and Catholic Human Rights  
387 Commission, whose senses of justice was ground in and mirrored those of the communities,  
388 and which undertook procedural justice actions agreed in tandem with local people.

389 This ‘sense of justice synergy’ is built on two interlinked processes. Firstly, evidence  
390 suggests that the ‘listening’ of local community voices by non-state actors is often merely about  
391 finding out how to frame a specific issue in a way that is acceptable to local people (Jeater,  
392 2011). However, these two CBOs used ‘invited spaces’ to facilitate participatory opportunities  
393 for local people (Cornwall, 2008). There was no suggestion that local community voices were  
394 dispossessed, or their environmental justice struggle or procedural justice decisions co-opted  
395 by these non-state actors. Secondly, these inclusive participatory dialogue mechanisms indicate  
396 a recognition of their powerful positions vis-à-vis communities, and a proactive willingness to  
397 facilitate engagement with local people in a more equitable ‘partnership’ approach rather than  
398 through top-down dictatorial processes. A sense of justice synergy is thus built on inclusive  
399 participatory mechanisms and equitable partnerships.

400 Whilst no interviewed CBO or NGO actors in this research supported pursuing private,  
401 financial agreements, this sense of justice appears to offer greater participatory and justice  
402 concerns. It is probable that financial compensation can exacerbate communities already  
403 divided by neoliberal resource development (Folami, 2017; Ogwang et al., 2019), thereby  
404 increasing the likelihood of social conflict. In this situation, it becomes less clear precisely  
405 whose sense of justice is being delivered when local communities become separated and  
406 embittered. This can lead to situations where locally dominant, authoritative, predominantly  
407 male voices will be amplified, whilst other views, such as those of the elderly or women,  
408 already marginalised in a highly patriarchal society (Clark and Laurie, 2000; Moser, 2003),  
409 may be lost. The loss of this collective community solidarity exacerbates their already weaker  
410 power vis-à-vis non-state actors, who in turn can more easily co-opt local people into actions  
411 which they may not fully understand or agree with. Whilst there is an argument that local

412 communities suffering environmental injustice deserve financial compensation, its “*palliative*”  
413 (NGO2R1C) effect hugely benefits not only REIs, whose production is no longer threatened,  
414 but also the state, who can continue with their neoliberal extractivism. Meanwhile, NGOs can  
415 laud their role as mediators between conflicting parties, a responsibility which may see them  
416 inadvertently shift from ‘mediation’ to ‘domination’ of local communities (Chernela, 2005).

417 It is important to evaluate how transformative these Red Ambiental Loreton and  
418 Catholic Church sense of justice synergies and processes of procedural justice are. The non-  
419 violent campaign orchestrated by Red Ambiental Loretana instigated the Dorrisa Accords, an  
420 agreement which stipulated that Pluspetrol reinject all the produced water in both Blocks, fund  
421 a comprehensive ten-year \$10 million health plan via the Ministry of Health and prepare, lead  
422 and execute a \$3 million development plan. This campaign helped to make a local injustice  
423 claim visible and strengthen citizen dialogue, whose demands appeared to have been  
424 recognised and listened to by the state. However, the long-term developmental aspects of this  
425 agreement were never implemented, causing a resumption of mass mobilisations and radical  
426 acts by citizens (Zaitchik, 2017) and the signing of further negotiated agreements (Orta-  
427 Martínez et al., 2018). This is clear evidence of ‘placation’, one example of ‘counter-  
428 participatory strategies’ used by the state to subvert critical voices and discourses thereby  
429 maintaining racialised capitalism and extractive development (Gonzalez and Brown, 2021).  
430 Placation sees the state implement tokenistic dialogue to achieve a negotiated agreement that,  
431 in the short-term, pacifies communities but is never fully implemented or completed, leading  
432 to a cycle of negotiation, agreement, placation and hostility (Gonzalez and Brown, 2021).  
433 Crucially, environmental injustice concerns can remain unaddressed or ignored.

434 It is thus unsurprising to find high levels of social conflict and radical voice actions in  
435 Peru (Defensoría Del Pueblo, 2019). Orta-Martínez et al. (2018) suggest that the recent  
436 decision by the Peruvian Achuar indigenous people to engage in open conflict shows the  
437 existence of a ‘conflict imperative’, in which overcoming environmental injustice, in certain  
438 circumstances, requires direct action that drives grievances to the open conflict level. The  
439 problem is that these “*desperate acts*” (NSI2R1) are either ignored or the citizens placated or  
440 suppressed by the state. Collective mobilisations, though an attempt to make injustice visible,  
441 help to legitimise the racialised developmental narrative disseminated by the state. Indigenous  
442 people are depicted as ‘savages’, unable to hold civilised dialogue, despite state intransigence  
443 in refusing to recognise or listen to the indigenous struggle for environmental justice, even if  
444 this occurs through non-state actor partnerships. This indicates the reality of the struggle for

445 power between the state and civil society and affiliated actors and the limits of transformative  
446 power processes.

447 Conversely, the partnership between Cuninico and the Catholic Church and their  
448 procedural justice claim saw Peru's legal system uphold the rights of marginalised  
449 communities affected by oil pollution for the first time, a process strengthened through parallel  
450 engagement with a transnational autonomous justice body (the IACHR). As Juan Carlos Ruiz  
451 from the Institute of Legal Defence commented; "There's a political message here .... This is  
452 no longer only a local or regional problem. This issue is now in the Commission's radar –  
453 which means the Inter-American Commission of Human Rights is checking what the  
454 government is doing about the case" (Capasso, 2017: 6). One can see that a sense of justice  
455 synergy facilitating procedural legal justice can provide stronger assurance that local justice  
456 claims are both listened *and* responded to.

457

## 458 Conclusion

459 To conclude, several key points are apparent. Firstly, the Red Ambiental Loretana and  
460 Catholic Church examples indicate that through a sense of justice synergy, local struggles can  
461 be made visible to the wider world and heard, evidenced through the grievances being  
462 addressed by the state and REIs. In these engagements, local community voices were not  
463 dispossessed, and nor were their justice struggles co-opted by non-state actors, which instead  
464 supported community justice. Nonetheless, concern was raised about private negotiated  
465 financial agreements as a form of procedural justice, which can stoke community division,  
466 resulting in the loss of collective solidarity and weakening their power vis-à-vis non-state  
467 actors, thereby increasing the likelihood of being co-opted and dominated.

468 Secondly, how transformative these partnerships are is variable. Whilst Red Ambiental  
469 Loretana secured justice through a negotiated agreement, this was only a short-term success  
470 which did not alter the state's power to ignore the stipulations or alter its ongoing neoliberal  
471 development pathway (Gonzalez, 2018a). The agreement is an illustration of placation, one  
472 counter-participatory strategy used by the state to subvert critical voices and discourses,  
473 thereby enabling racialised capitalism and extractive development to continue (Gonzalez and  
474 Brown, 2021). On the other hand, the Catholic Church's procedural legal action was a more  
475 transformative power process and enabled Cuninico's justice struggle to access, transcend and  
476 be heard in new national and international opportunities of engagement that were previously  
477 unavailable to them.

478           The process of securing justice through legal means would appear to be one of the most  
479 beneficial ways for NGOs to support local justice struggles as it can lead to stronger assurances  
480 that local justice claims are both listened *and* responded to. In turn it can help reform illegal or  
481 poor operational practices which can have wider beneficial impacts for other communities  
482 suffering injustice (Forest Peoples Programme, 2017; Forest Peoples Programme, 2018).  
483 However, success is not guaranteed as the historic 1994 Aguinda v. Texaco court case in  
484 Ecuador indicates (BBC News, 2018). Moreover, the fact that Cuninico’s case is the first time  
485 that a Peruvian court has ordered an emergency public policy response in recognition of  
486 damage caused by oil extraction, indicates the resistance that liberal state mechanisms have  
487 had to these concerns over the preceding decades. Given Peru’s ongoing resource extraction  
488 agenda (Gonzalez, 2018a), this resistance looks set to continue.

489           This situation illustrates that deeper, transformative structural changes are also required.  
490 Cuninico’s legal victory does not alter the state’s ongoing retention of power and decision-  
491 making over nature-society relations or the direction of national development. Nor does it  
492 challenge the state’s lack of recognition for indigenous people’s livelihoods and distinct  
493 cosmologies, respect for sacred sites, the protection of village economies and wider territorial  
494 and citizenship rights (Schlosberg and Carruthers, 2010). To that end, NGOs must seek to  
495 tackle the injustice of ‘misrecognition’ (Fraser, 2000) by campaigning and supporting legal  
496 procedural justice claims that rectify these issues and challenge the liberal state. There is  
497 evidence of this occurring in Peru.

498           In January 2020, indigenous communities living in voluntary isolation, again with the  
499 support of the IDL, won a landmark legal victory which has led to the exclusion of oil  
500 exploration and exploitation in the Sierra del Divisor national park near the Brazilian border.  
501 It is the first time that a Peruvian judge has ruled in favour of indigenous people in voluntary  
502 isolation against oil companies (Cervantes, 2020). Similarly, in June 2020, a five-year legal  
503 battle delivered a similar historic victory for indigenous communities in Peru’s Constitutional  
504 Court. The case, presented by AIDSESEP (the Asociación Interétnica de la Selva Peruana), a  
505 Loreton indigenous organisation and the Working Group on Indigenous Peoples of the  
506 Coordinadora Nacional de Derechos Humanos, a coalition of human rights organisations,  
507 sought to appeal against Law 30230. This law, passed in July 2014 aimed to boost foreign  
508 investment by significantly reducing scrutiny and oversight of development projects (Peru  
509 Support Group, 2016b). The recent ruling saw the Court not only recognise the importance of  
510 communal and territorial rights but also, for the first time, recognise that indigenous groups  
511 have the right to be consulted prior to the creation and implementation of laws that affect their

512 lives. However, the Court did not agree that Law 30230 threatened the plaintiff rights to a  
513 healthy and clean environment, showing that the fight to gain holistic indigenous recognition  
514 must continue (Peru Support Group, 2020).

515 “NGOs have always been in part a response to state failure” (Bebbington, 1997: 1764).  
516 Through community and non-state actor partnerships and sense of justice synergies, legal  
517 procedural justice can tackle the adverse distributive impacts caused by neoliberal extraction.  
518 Moreover, they can also challenge the deeper structural injustice of misrecognition prevalent  
519 in Peru and elsewhere, so that (environmental) citizenship, human rights, alternative  
520 livelihoods, and developmental futures are recognised and safeguarded. It is this transformative  
521 power process that will most successfully confront the hegemonic power of the liberal nation  
522 state. Whilst there are concerns that the saturation of service-delivery NGOs has a negative  
523 impact on the relationship between citizens and government in Loreto (Nelson-Nuñez, 2019),  
524 it is evident that without them, the struggle for justice for local communities would be even  
525 more challenging.

526 Lastly, the PEV theoretical framework has been immeasurably useful in exploring  
527 environmental justice. It can act as a theoretical bridge between both environmental justice and  
528 political ecology by exploring the impact that underlying social, political, economic, and  
529 geographical factors have on senses of justice being vocalised by and within marginalised  
530 groups and those that represent or work with them. Exploring the senses of justice approach  
531 through PEV has enabled us to uncover how local justice concerns are being framed and  
532 vocalised by non-state actors, in effect what ‘sense of justice’ is being pursued. In so doing,  
533 this paper has shown that these partnerships and sense of justice synergies signify a  
534 transformative power process that strengthens local, particularly subaltern voices and their  
535 injustice grievances, evidenced through recognition and respect by the state and other actors.  
536 It is clear that their involvement is critical for securing transformative environmental justice  
537 for local indigenous communities that tackles both distributive and misrecognition concerns.

538

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540 None.

541

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548

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552

553

## 554 Appendix A: grouping of interviews

555

### 556 Case-study interviewees

557 Cuninico

558 Coded as: **Indigenous resident of Cuninico *n* (IRC*n*):**

559 **IRC1-IRC29**

560

### 561 State representatives

562 National Government:

563 Coded as: **National state institution *n* representative *n* (NSI*n*R*n*)**

564 • **NSI1R1a, b.** National Authority of Water (*Autoridad Nacional del Agua*, ANA).  
565 The National Authority of Water is located within the Ministry of Agriculture and  
566 manages and monitors aquatic water sources, except water for human consumption  
567

568 • **NSI2R1.** National Environmental Monitoring Agency (*Organismo de Evaluacion y*  
569 *Fiscalizacion Ambiental*, OEFA).

570 The National Environmental Monitoring Agency is an environmental enforcement  
571 agency working as the governing body of the National System of Evaluation and  
572 Environmental Control (*Sistema Nacional de Evaluacion y Fiscalizacion Ambiental*,  
573 SINEFA) located within the Ministry of Environment (*Ministerio del Ambiente*,  
574 MINAM).  
575

576 • **NSI4R1.** Office of the Ombudsman (*Defensoria del Pueblo*, DDP).  
577 This agency, enshrined within the Peruvian constitution, is tasked with defending the  
578 constitution rights of Peruvian citizens and enforce state administrative responsibilities.  
579 Though it cannot issue sentences or impose fines or penalties it can instead produce  
580 reports for the authorities based on technical, ethical and legal arguments.  
581

582 • **NSI5R1.** Public Prosecutor Specialised in Crimes of Corruption for the decentralised  
583 Judicial District of Loreto (*La Procuraduría Pública Especializada en Delitos de*  
584 *Corrupción – Loreto*, PPEDC).

585 Part of the Ministry of Justice and Human Rights (*Ministerio de Justicia y Derechos*  
586 *Humanos*), this agency operates in each of Peru's Judicial Districts and is tasked with  
587 investigating issues of corruption and recovering assets

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Regional government:

Coded as: **Regional government representative *n* (RGR*n*)**

- **RGR1.** Regional Government of Loreto (*Gobierno Regional de Loreto*, GOREL) Manager of Health and Environment.
- **RGR2.** Loreto Regional Councillor.

CBO:

Coded as: **CBO *n* representative *n* (CBO*nRn*)**

- **CBO1R1.** Red Ambiental Loretana.  
An indigenous environmental watch-dog organisation established in Iquitos in 2005. It originated from Corrientes and Tigres river basin indigenous community environmental concerns surrounding the oil industry and illegal logging. It helped to organise the campaign for the reinjection of Pluspetrol contaminated waters in 2004.
- **CBO3R1.** Regional Organisation of Indigenous Peoples of the East (*La Organización de Pueblos Indígenas del Oriente*, ORPIO).  
ORPIO is a regional Loreton indigenous organisation that represents several river basin federations. These are: Cocama Conservation and Development Association San Pablo de Tipishca (*La Asociación Cocama de Desarrollo y Conservación San Pablo de Tipishca*, ACODECOSPAT) in the Marañón river basin; Federation of Native Communities of the Upper Tiger River (*Federación de Comunidades Nativas del Alto Tigre*, FECONAT) in the Tigre river basin; Federation of the Native Communities of Corrientes (*Federación de Comunidades Nativas del Corrientes*, FECONACO) in the Corrientes river basin; and Indigenous Federation of Pastaza Quechua (*Federación Indígena Quechua del Pastaza*, FEDIQUEP) in the Pastaza river basin. ORPIO provides a higher, or vertical, level of indigenous dialogue with the government and other actors, notably REIs surrounding indigenous issues as well as practical support such as the monitoring of the prior consultation mechanism. ORPIO's work feeds the national indigenous body The Interethnic Association for the Development of the Peruvian Rainforest (*Asociación Interétnica de Desarrollo de la Selva Peruana*, AIDSESP).
- **CBO4R1-3.** Catholic Church (The Apostolic Vicariate of Iquitos) and Commission for Justice and Peace - Human Rights of the Apostolic Vicariate of Iquitos (*Comisión de Justicia y Paz - Derechos Humanos del Vicariato Apostólico de Iquitos*, CJPDHVAI). Referred to in this article as Catholic Human Rights Commission.  
This is an ecclesiastical province comprising the provinces of Maynas and Loreto and operate in the regional capital but also the *selva*, notably the *Marañón* river basin. Aside from this, the Catholic Church also operates the Human Rights Commission, which is based in Iquitos. It provides legal support to citizens and federations surrounding human rights issues and is the principle actor involved in Cuninico's justice claim.

631 NGO:

- 632 • **NGO1R1.** E-Tech International.

633 Based in New Mexico, USA, E-Tech International provides environmental technical  
634 support to communities in the Global South on the potential environmental impacts  
635 surrounding development projects and capacity building including environmental  
636 monitoring projects. They work closely with local partners including indigenous  
637 federations, local, regional and national governments, civil society, academia and  
638 industrial professionals alongside companies conducting the development.

639

- 640 • **NGO2R1.** The Peru Mission.

641 Established in 2012, this charity has its roots in Catholic parishes and schools in the UK  
642 but now works with all Christian denominations and secular agencies. Based in Iquitos,  
643 its objective is to contribute to the betterment of conditions for the poorest members of  
644 Peruvian society in Loreto and further afield. Projects include medical support e.g. UK  
645 volunteer medical interns work in Loreto and educational/development projects e.g.  
646 building schools and classrooms and implementing skills training for young people in  
647 in poorer communities.

648

- 649 • **NGO3R1.** Earthwatch Institute.

650 Established in 1971, Earthwatch has offices located in several countries including the  
651 USA, UK, Japan and Australia. Working in over 40 countries, their aim is to engage  
652 with people in scientific field research and education to promote the understanding and  
653 the need for a sustainable environment. Through their scientists, they implement field  
654 research experiences surrounding key themes including climate change, wildlife and  
655 ecosystems and ocean health. These are designed to benefit local communities who are  
656 consulted on and collaborate in these projects.

657

- 658 • **NGO4R1-2a, b.** ProNaturaleza (Peruvian Foundation for the Conservation of Nature).

659 A Peruvian NGO established in 1984 with offices around the country including in  
660 Iquitos. Their work is financed through private donors (e.g. REIs), international  
661 cooperation and national funding sources. Their focus is on conservation and  
662 biodiversity and the sustainable use of natural resources. Project themes include  
663 participation in the management of protected natural areas e.g. Loreto's Pacaya Samiria  
664 Regional Conservation Area, and advocacy and implementation of socio-environmental  
665 responsibility in extractive industries e.g. running community environmental monitoring  
666 programmes.

667

- 668 • **NGO5R1.** Peruvian Society of Environmental Law (*Sociedad Peruana de Derecho  
669 Ambiental, SPDA*).

670 Established in 1986, its focus has been on the promotion of Peruvian environmental  
671 policies and legislation particularly surrounding development. They have offices in  
672 Lima, Iquitos and Puerto Maldonado (Madre de Dios regional capital). The Peruvian  
673 Society for Environmental Law has three strategic areas of focus incorporating natural

674 heritage i.e. working towards the protection and sustainable use of the environment,  
675 institutions and legislation i.e. promoting coherent and systematic environmental  
676 legislation and crucially environmental justice i.e. implementing environmental  
677 monitoring systems, environmental conflict prevention schemes.

678

- 679 • **NGO6R1.** Nature and Culture International (NCI).

680 Established in 1996, it seeks to protect biologically diverse ecosystems with the support  
681 of local people in Latin America. They now have 17 local offices in Ecuador, Peru and  
682 Mexico and operate in 20 biodiverse regions in Latin America including Loreto. In this  
683 region and wider Peru, Nature and Culture International goals include environmental  
684 objectives i.e. protection of Loreton Amazonian rainforest and societal aims i.e. working  
685 to improve and enhance *selva* community economic benefits through the sustainable use  
686 of natural resources, increasing their rights over resources and improving their benefits  
687 from conserving natural areas.

688

- 689 • **NGO7R1.** Alianza Arkana.

690 A grassroots alliance, Alianza Arkana now work primarily with rural and urban-fringe  
691 Shipibo communities in the Ucayali region of the Peruvian Amazon but originally  
692 operated in Loreto. These are centred on the completion of development objectives  
693 including improving access to clean water, sanitation and hygiene, nutrition and  
694 education. Each project is guided by each community and are run by the communities  
695 themselves. Aside from these development objectives, Alianza Arkana also work to  
696 raise national and international awareness about environmental and human rights issues  
697 in the Amazon, research into the socio-environmental impact of extractive industries,  
698 gather and document evidence of extractive industry illegalities and provide legal  
699 support for communities in defence of their rights.

700

- 701 • **NGO8R1.** Law, Environment and Natural Resources (*Derecho, Ambiente y Recursos*  
702 *Naturales*, DAR).

703 Law, Environment and Natural Resources have offices in both Lima and Iquitos and aim  
704 to build governance, sustainable development and the promotion of indigenous peoples'  
705 rights in the Amazon. In Loreto they are focused on several objectives including  
706 indigenous environmental monitoring, co-management of Regional Conservation Areas,  
707 promoting good practice and transparency within the hydrocarbon industry and  
708 educational support for communities surrounding their hydrocarbon rights.

709

710 Other citizen voices:

- 711 • Three academics. Coded as: **Iquitos university academic *n* (IUAn):**

712 **IUA1.** Anthropologist researcher at Research Institute of the Peruvian Amazon.  
713 Formerly government civil servant in the office of the Prime Minister.

714 **IUA3.** Research director at Research Institute of the Peruvian Amazon.

- 715 • Two legal professionals. Coded as: **Iquitos legal professional *n* (ILPn).**

- 716 **ILP1.** Iquitos teacher and human rights lawyer (working pro bono) for indigenous  
 717 communities.
- 718 • One journalist. Coded as: **Iquitos journalist n (IJn)**
- 719 **IJ1.** Environmental journalist for an international newspaper based in Iquitos.  
 720

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